

2005 DRAFTING REQUEST

Bill

Received: **01/20/2005**

Received By: **rchampag**

Wanted: **Today**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Kraus**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Gambling - lottery**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Kraus, BB0448 -

Topic:

Conflict of interest provisions affecting Lottery Division employees

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rchampag 01/20/2005	jdyer 01/20/2005	jfrantze 01/20/2005	_____	lemery 01/20/2005		
/2	rchampag 01/20/2005	jdyer 01/20/2005	jfrantze 01/20/2005	_____	lnorthro 01/20/2005		
/3	rchampag 01/21/2005	jdyer 01/21/2005	rschluet 01/21/2005	_____	lemery 01/21/2005		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/4	rchampag 01/24/2005	jdyer 01/24/2005	jfrantze 01/24/2005	_____	sbasford 01/25/2005		

FE Sent For:

<END>

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1/4 1/24 jw 1/24 Jb/ch 1/24

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13 1/2 jld

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1/20 jcd *1/20 jcd* *1/20 jcd*
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/?	rchampag	1/1/20 jcd	Jell	1/20			

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- **Topic: Requirement for Contracting out Lottery Functions**
- Tracking Code: BB0448
- SBO team: Tax and Justice
- SBO analyst: Jennifer Kraus
 - Phone: 266-2214
 - Email: jennifer.kraus@doa.state.wi.us
- **Agency acronym: DOR**
- **Agency number: 566**

DOR would require any contractor to attempt to hire any state employees laid off from DOR that had previously been performing the contracted functions.

Champagne, Rick

From: Kraus, Jennifer - DOA
Sent: Wednesday, January 19, 2005 10:55 PM
To: Champagne, Rick
Subject: RE: Lottery statute reference

No, we will reduce something like 55 FTE from DOR at the beginning of FY07. It is these individuals that we want to be able to work for the contractor. Note we will take the position authority out July 1, 2006 but DOR may not actually lay them off until later in the fiscal year. Make sense? Sorry if I wasn't clear before. Jenny

-----Original Message-----

From: Champagne, Rick
To: Kraus, Jennifer - DOA
Sent: 1/19/2005 4:24 PM
Subject: RE: Lottery statute reference

Under current law, on the day that an employee terminates employment with the lottery division, he or she is a former lottery division employee and may not work for a vendor for 2 years. Is the intent to permit any lottery division employee who terminated before the effective date of the budget to be exempt from the 2 year vendor employment prohibition?

> -----Original Message-----

> From: Kraus, Jennifer - DOA
> Sent: Wednesday, January 19, 2005 3:56 PM
> To: Champagne, Rick
> Subject: RE: Lottery statute reference

> No, we permit former lottery employees to go to work for vendors without a 2 year delay. We would have to retain the language related to a current employee not working for a vendor.

> -----Original Message-----

> From: Champagne, Rick
> [mailto:Rick.Champagne@legis.state.wi.us]
> Sent: Wednesday, January 19, 2005 3:53 PM
> To: Kraus, Jennifer - DOA
> Subject: RE: Lottery statute reference

> So the idea is that we use current law authority to contract out lottery functions, but we change current law to permit lottery employees to allow lottery employees to go to work directly with the vendors?

> -----Original Message-----

> From: Kraus, Jennifer - DOA
> Sent: Wednesday, January 19, 2005 3:46 PM
> To: Champagne, Rick
> Subject: FW: Lottery statute reference

> With the exception of a change to the language below, DOR thinks we can do this version of contracting out under current law (it is more modest than what was proposed last time..) as opposed to using your draft from 03-05.

> -----Original Message-----

> From: Feavel, Julie M
> Sent: Wednesday, January 19, 2005 3:30 PM
> To: Kraus, Jennifer - DOA
> Cc: Lashore, Patricia M

> Subject: Lottery statute reference

> Hello Jennifer,

> Pat asked me to send you the citation in the statutes
> that prohibits a lottery employee from working for any vendor while as
> an employee or for 2 years following termination of service. The cite
> is ch. 565.05(1)(a). A snapshot of the pdf file follows:

> << OLE Object: Picture (Device Independent Bitmap) >>

> Please let Pat or I know if there is anything further
> you require. Thank you.

> Julie Raes Feavel
> Budget & Policy Analyst Agency - Adv.
> State of WI - Dept. of Revenue
> Phone: (608) 267-9892
> e-mail: jfeavel@dor.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1795/1

RAC:.....

TODAY

jld

DOA:.....Kraus, BB0448 - Conflict of interest provisions affecting Lottery
Division employees

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

GAMBLING

* Current law prohibits any employee in the Lottery Division of DOR or the
* executive assistant or secretary or deputy secretary of revenue from having a direct
* or indirect interest in, or be employed by, any lottery vendor while serving as an
* employee in the Lottery Division or as the executive assistant or as secretary or
deputy secretary of revenue or for ^{two} years following the person's termination of
service. This bill eliminates these post-employment vendor restrictions for these
DOR employees.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

2 SECTION 1. 565.05 (1) (a) of the statutes is amended to read:

3 565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any
4 vendor while serving as an employee in the lottery division of the department or as

1 the executive assistant or as secretary or deputy secretary of revenue [✓] or for 2 years
2 following the person's termination of service.

History: 1987 a. 119; 1989 a. 99; 1991 a. 269; 1993 a. 112; 1995 a. 27; 1997 a. 27, 237.

3 **SECTION 9341. Initial applicability; revenue.**

4 (1) CONFLICT OF INTEREST. [✓] The treatment of section 565.05 (1) (a) [✓] of the statutes
5 first applies to employees of the department of revenue who terminate employment
6 on the effective date of this subsection. [✓]

7 (END)

Champagne, Rick

From: Kraus, Jennifer - DOA
Sent: Thursday, January 20, 2005 11:15 AM
To: Champagne, Rick
Subject: FW: LRB Draft: 05-1795/1 Conflict of interest provisions affecting Lottery Division employees



05-1795/1

Hi Rick - DOR would still want to keep the 2-year restriction in place as is, except in those instances where we have contracted out those services provided by lottery employees. If I'm reading the draft correctly, it removes the 2-year restriction from all employees after their separation of service.

Let me know if you have questions. Jenny

-----Original Message-----

From: Frantzen, Jean [mailto:Jean.Frantzen@legis.state.wi.us]
Sent: Thursday, January 20, 2005 10:35 AM
To: Kraus, Jennifer - DOA
Cc: Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-1795/1 Conflict of interest provisions affecting Lottery Division employees

Following is the PDF version of draft 05-1795/1.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1795/2 2

RAC:jld:jf

TODAY

RMP

DOA:.....Kraus, BB0448 - Conflict of interest provisions affecting Lottery
Division employees

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

GAMBLING

Current law prohibits any employee in the Lottery Division of DOR (division) or the executive assistant or secretary or deputy secretary of revenue from having a direct or indirect interest in, or being employed by, any lottery vendor while serving as an employee in the division or as the executive assistant or as secretary or deputy secretary of revenue or for two years following the person's termination of service.

This bill eliminates these postemployment vendor restrictions for these DOR employees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** ~~565.05 (1) (a) of the statutes is amended to read:~~

3 ~~565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any~~
4 ~~vendor while serving as an employee in the lottery division of the department or as~~

1 the executive assistant or as secretary or deputy secretary of revenue or for 2 years
2 following the person's termination of service.

3 **SECTION 9341. Initial applicability; revenue.**

4 (1) CONFLICT OF INTEREST. The treatment of section 565.05 (1) (a) of the statutes
5 first applies to employees of the department of revenue who terminate employment
6 on the effective date of this subsection.

7

(END)

Insert
2-7

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1795/2ins
RAC::

insert Analysis:

This bill provides that an employee in the division[✓] who terminates employment with DOR[✓] on or after the bill's effective date may be employed by a vendor at any time after his or her date of termination if DOR has entered into a contract with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the division.[✓]

Insert 2-7:

SECTION 1. 565.05 (1) (intro.)[✓] of the statutes is amended to read:

565.05 (1) (intro.) No Except as provided in sub. (1m),[✓] no employee in the lottery division of the department or the executive assistant or the secretary or deputy secretary of revenue may do any of the following:

History: 1987 a. 119; 1989 a. 99; 1991[✓] a. 269; 1993 a. 112; 1995 a. 27; 1997 a. 27, 237.

SECTION 2. 565.05 (1m) of the statutes is created to read:

565.05 (1m) An employee in the lottery division of the department[✓] who terminates employment with the department on or after the effective date of this subsection [revisor inserts date][✓] may be employed by a vendor at any time after his or her date of termination if the department has entered into a contract with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the lottery division.

Champagne, Rick

From: Kraus, Jennifer - DOA
Sent: Friday, January 21, 2005 12:56 PM
To: Champagne, Rick
Cc: Lashore, Patricia M
Subject: FW: LRB Draft: 05-1795/2 Conflict of interest provisions affecting Lottery Division employees

Follow Up Flag: Follow up
Flag Status: Flagged



05-1795/2



Proposed
amendment to Lottery

Rick - see DOR's comments. Plus we do need the language that would have DOR require a contractor to hire the people laid off (maybe DOR can define this in more specificity in the contract itself).

Thanks - Jenny

-----Original Message-----

From: Lashore, Patricia M
Sent: Thursday, January 20, 2005 3:16 PM
To: Kraus, Jennifer - DOA
Cc: Engan, Laura - DOR; Edmonds, Michael J
Subject: LRB Draft: 05-1795/2 Conflict of interest provisions affecting Lottery Division employees

This version looks much better. Our deputy counsel has suggested some edits/comments per the attached e-mail.

Champagne, Rick

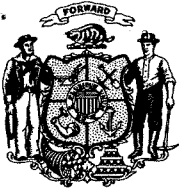
From: Hackman, Robert J
Sent: Thursday, January 20, 2005 2:51 PM
To: Lashore, Patricia M
Cc: Crane, Lili B
Subject: Proposed amendment to Lottery statute

Pat--To follow up on our discussion, I suggest asking the drafter of the proposed amendment to include language that would prohibit a Lottery employee from discussing future employment with any vendor who is performing services for the Lottery under a contract, or who is attempting to obtain a contract to perform services for the Lottery.

This would be consistent with ER-MRS 24.04(2), "Standards of conduct", which provides, in part:

(a) No employee may use or attempt to use his or her public position or state property, including property leased by this state, or use the prestige or influence of a state position to influence or gain financial or other benefits, advantages or privileges for the private benefit of the employee, the employee's immediate family or an organization with which the employee is associated.

(b) No employee may solicit or accept from any person or organization, directly or indirectly, money or anything of value if it could reasonably be expected to influence such employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such employee.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1795/2 3

RAC:jld:jf

RMR

1/21

DOA:.....Kraus, BB0448 - Conflict of interest provisions affecting Lottery
Division employees

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

GAMBLING

Current law prohibits any employee in the Lottery Division of DOR (division) or the executive assistant or secretary or deputy secretary of revenue from having a direct or indirect interest in, or being employed by, any lottery vendor while serving as an employee in the division or as the executive assistant or as secretary or deputy secretary of revenue or for two years following the person's termination of service.

This bill provides that an employee in the division who terminates employment with DOR on or after the bill's effective date may be employed by a vendor at any time after his or her date of termination if DOR has entered into a contract with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the division.

Insert
Analysis ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 565.05 (1) (intro.) of the statutes is amended to read:

1 565.05 (1) (intro.) No Except as provided in sub. (1m), no employee in the
2 lottery division of the department or the executive assistant or the secretary or
3 deputy secretary of revenue may do any of the following:

4 **SECTION 2.** 565.05 (1m) of the statutes is created to read:

5 565.05 (1m) An employee in the lottery division of the department who
6 terminates employment with the department on or after the effective date of this
7 subsection [revisor inserts date], may be employed by a vendor at any time after
8 his or her date of termination if the department has entered into a contract with the
9 vendor to perform lottery functions that were previously performed by the employee
10 while he or she was employed in the lottery division.

11

(END)

Insert
2-11 ✓

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1795/3ins
RAC:jld:jf

Insert Analysis:

In addition, the bill provides that no employee in the division may discuss with a vendor or with any person who is attempting to obtain a major procurement contract any matter relating to the future employment of the employee with the vendor or other person.

Finally, the bill provides that, if a contract for a major procurement is for services that were performed by employees in the division, the contract may not be entered into unless the contract requires the vendor to offer employment to any employees in the division who performed those services and whose position was terminated and who have not subsequently been offered employment by a vendor. *

Insert 2-11:

SECTION 1. 565.05 (3) of the statutes is created to read:

565.05 (3) No employee in the lottery division may discuss with a vendor or with any person who is attempting to obtain a major procurement contract under s. 565.25 any matter relating to the future employment of the employee with the vendor or other person.

SECTION 2. 565.25 (3) (cm) of the statutes is created to read:

565.25 (3) (cm) If a contract for a major procurement is for services that were performed by employees in the lottery division before the effective date of this paragraph [revisor inserts date], the contract may not be entered into unless the contract requires the vendor to offer employment to any employees in the lottery division who performed those services and whose position was terminated on or after the effective date of this paragraph [revisor inserts date], and who have not subsequently been offered employment by a vendor.

SECTION 9341. Initial applicability; revenue.

↓

~~*~~ (1) MAJOR PROCUREMENT CONTRACTS. The treatment of section 565.25 (3) (cm)✓ of the statutes first applies to major procurement contracts entered into on the effective date of this subsection.✓

SECTION 1. 565.05 (1) (intro.) of the statutes is amended to read:

565.05 (1) (intro.) No Except as provided in sub. (1m), no employee in the lottery division of the department or the executive assistant or the secretary or deputy secretary of revenue may do any of the following:

SECTION 2. 565.05 (1m) of the statutes is created to read:

565.05 (1m) An employee in the lottery division of the department who terminates employment with the department ~~on or after the effective date of this subsection [revisor inserts date],~~ may be employed by a vendor at any time after his or her date of termination if the department has entered into a contract, on or after the effective date of this subsection [revisor inserts date], with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the lottery division.

SECTION 3. 565.05 (3) of the statutes is created to read:

565.05 (3) No employee in the lottery division may discuss with a vendor ~~or with any person who is attempting to obtain a major procurement contract under s. 565.25 any matter relating to the future employment of the employee with the vendor or other person.~~ unless the discussion between the lottery division employee and the vendor takes place pursuant to s. 565.25 (3) (cm) with the prior written consent of the lottery administrator

SECTION 4. 565.25 (3) (cm) of the statutes is created to read:

565.25 (3) (cm) If a contract for a major procurement is for services that were performed by employees in the lottery division before the effective date of this paragraph [revisor inserts date], the contract may not be entered into unless the contract requires the vendor to offer employment to ~~any~~ those employees in the lottery

division who performed those services and whose positions ~~was~~ were terminated on or after the effective date of this paragraph [revisor inserts date]. ~~and who have not subsequently been offered employment by a vendor.~~

SECTION 9341.0 Initial applicability; revenue.

(1) MAJOR PROCUREMENT CONTRACTS. The treatment of section 565.25 (3) (cm) of the statutes first applies to major procurement contracts entered into on the effective date of this subsection.

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1795/3 4

RAC:jld:rs

Today

RMR

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This bill provides that an employee in the division who terminates employment with DOR on or after the bill's effective date may be employed by a vendor at any time after his or her date of termination if DOR has entered into a contract with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the division.

In addition, the bill provides that no employee in the division may discuss with a vendor ~~or with any person~~ who is attempting to obtain a major procurement contract any matter relating to the future employment of the employee with the vendor ~~or other person~~.

Finally, the bill provides that, if a contract for a major procurement is for services that were performed by employees in the division, the contract may not be entered into unless the contract requires the vendor to offer employment to ~~any~~

those

unless the discussion relates to employment with a vendor that is entering into a contract to perform the employee's services and the division administrator provides a prior written consent

employees in the division who performed those services and whose position was terminated ~~and who have not subsequently been offered employment by a vendor.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 565.05 (1) (intro.) of the statutes is amended to read:

565.05 (1) (intro.) No Except as provided in sub. (1m), no employee in the lottery division of the department or the executive assistant or the secretary or deputy secretary of revenue may do any of the following:

SECTION 2. 565.05 (1m) of the statutes is created to read:

565.05 (1m) An employee in the lottery division of the department who terminates employment with the department on or after the effective date of this subsection [revisor inserts date], may be employed by a vendor at any time after his or her date of termination if the department has entered into a contract with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the lottery division.

SECTION 3. 565.05 (3) of the statutes is created to read:

565.05 (3) No employee in the lottery division may discuss with a vendor ~~with any person~~ who is attempting to obtain a major procurement contract under s. 565.25 any matter relating to the future employment of the employee with the vendor or other person.

SECTION 4. 565.25 (3) (cm) of the statutes is created to read:

565.25 (3) (cm) If a contract for a major procurement is for services that were performed by employees in the lottery division before the effective date of this paragraph [revisor inserts date], the contract may not be entered into unless the contract requires the vendor to offer employment to ~~any~~ employees in the lottery

those

unless the discussion relates to employment under s. 565.25 (3) (cm) and the administrator provides prior written consent

1 division who performed those services and whose position ^(S) ~~was~~ ^{were} terminated on or after
2 the effective date of this paragraph [revisor inserts date] ~~and who have not~~
3 ~~subsequently been offered employment by a vendor.~~

4 **SECTION 9341. Initial applicability; revenue.**

5 (1) MAJOR PROCUREMENT CONTRACTS. The treatment of section 565.25 (3) (cm)
6 of the statutes first applies to major procurement contracts entered into on the
7 effective date of this subsection.

8 (END)



DOA:.....Kraus, BB0448 - Conflict of interest provisions affecting Lottery
Division employees

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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In addition, the bill provides that no employee in the division may discuss with a vendor who is attempting to obtain a major procurement contract any matter relating to the future employment of the employee with the vendor unless the discussion relates to employment with a vendor that is entering into a contract to perform the employee's services and the division administrator provides prior written consent.

Finally, the bill provides that, if a contract for a major procurement is for services that were performed by employees in the division, the contract may not be

entered into unless the contract requires the vendor to offer employment to those employees in the division who performed those services and whose position was terminated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 565.05 (1) (intro.) of the statutes is amended to read:

2 565.05 (1) (intro.) ~~No~~ Except as provided in sub. (1m), no employee in the
3 lottery division of the department or the executive assistant or the secretary or
4 deputy secretary of revenue may do any of the following:

5 **SECTION 2.** 565.05 (1m) of the statutes is created to read:

6 565.05 (1m) An employee in the lottery division of the department who
7 terminates employment with the department may be employed by a vendor at any
8 time after his or her date of termination if the department has entered into a
9 contract, on or after the effective date of this subsection [revisor inserts date], with
10 the vendor to perform lottery functions that were previously performed by the
11 employee while he or she was employed in the lottery division.

12 **SECTION 3.** 565.05 (3) of the statutes is created to read:

13 565.05 (3) No employee in the lottery division may discuss with a vendor who
14 is attempting to obtain a major procurement contract under s. 565.25 any matter
15 relating to the future employment of the employee with the vendor unless the
16 discussion relates to employment under s. 565.25 (3) (cm) and the administrator
17 provides prior written consent.

18 **SECTION 4.** 565.25 (3) (cm) of the statutes is created to read:

19 565.25 (3) (cm) If a contract for a major procurement is for services that were
20 performed by employees in the lottery division before the effective date of this

1 paragraph [revisor inserts date], the contract may not be entered into unless the
2 contract requires the vendor to offer employment to those employees in the lottery
3 division who performed those services and whose positions were terminated on or
4 after the effective date of this paragraph [revisor inserts date].

5 **SECTION 9341. Initial applicability; revenue.**

6 (1) MAJOR PROCUREMENT CONTRACTS. The treatment of section 565.25 (3) (cm)
7 of the statutes first applies to major procurement contracts entered into on the
8 effective date of this subsection.

9 (END)